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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,379	11/30/2004	Kazuhiro Abe	CU-3989 RJS	2859
26530 7590 09/29/2008 LADAS & PARRY LLP 224 SOUTH MICHIGAN AVENUE SUITE 1600 CHICAGO, IL 60604			EXAMINER SIMONE, CATHERINE A	
			ART UNIT	PAPER NUMBER
			1794	
			MAIL DATE	DELIVERY MODE
			09/29/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/516,379

**Applicant(s)**

ABE ET AL.

**Examiner**

Catherine Simone

**Art Unit**

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17 and 27-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17 and 27-30 is/are rejected.
- 7) ☒ Claim(s) 28-30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Withdrawn Objection***

1. The objection of the abstract of record in the previous Office Action mailed 12/12/2007 on page 2 has been withdrawn due to the Applicant's amendment filed 6/17/2008.

### ***Claim Objections***

2. Claims 29 and 30 are objected to because of the following informalities: Claim 29 depends from claim 18, which has been cancelled, and claim 30 depends from claim 19, which also has been cancelled. Appropriate correction is required.
3. Claims 28 and 29 are objected to because of the following informalities: The recitation "declustering" is believed to be a typo and is incorrect and should be corrected to recite "delustering". Appropriate correction is required.
4. Claims 29 are objected to because of the following informalities: There appears to be two separate claims indicated as claim 29. The numbering of the claims is incorrect. One should be indicated as claim 29 and the other should be indicated as claim 30. Therefore, claim 30, which is already present, should be corrected to be claim 31. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 17 and 27-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. Claim 17 recites the limitation "the ionizing radiation curing resin composition" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 17 and 27-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi (US 6,103,352).

Regarding claim 17, Takahashi teaches a method for manufacturing a decorative material (Figure 1) wherein an ionizing radiation curing resin composition containing an ionizing radiation curing resin (surface protective layer 5 and col. 3, lines 37-48) and a delustering silica (col. 5, lines 54-55), which is a silica whose surface is treated with a fatty acid based wax (col. 6, lines 16-19), is coated on a base material sheet (substrate sheet 1) by gravure coating (col. 6, line 56), which inherently uses a gravure plate and a doctor blade, to form a luster adjusting resin layer on the base material.

Regarding claim 27, the ionizing radiation curing resin composition contains no solvent (col. 6, lines 60-61).

Regarding claims 28 and 29, an amount of the delustering silica contained in the ionizing radiation curing resin composition is in a range of 5 parts by mass to 20 parts by mass to 100 parts by mass of the ionizing radiation curing resin (col. 5, lines 1-4).

Regarding claims 29 and 30, the luster adjusting resin layer is formed in pattern on the base material sheet (col. 8, lines 19-28).

#### ***Response to Arguments***

10. Applicant's arguments filed 6/17/2008 have been fully considered but they are not persuasive.

Applicants argue that “Takahashi fails to teach or suggest a method for manufacturing the decorative material which uses a gravure coating or a gravure printing. Therefore, a person skilled in the art would not find the present invention obvious in view of Takahashi”.

This is not deemed persuasive. It is to be pointed out that Takahashi clearly teaches a method for manufacturing the decorative material, wherein a luster adjusting resin layer formed of an ionizing radiation curing resin composition is provided on a base material sheet by using a gravure coating (col. 6, line 56). Thus, Takahashi clearly teaches all the limitations of independent claim 17. Accordingly, independent claim 17 and dependent claims 27-30 are anticipated by Takahashi.

***Conclusion***

11. Applicant's amendment necessitated the new ground of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (571) 272-1501. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on (571) 272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Catherine Simone/  
Examiner, Art Unit 1794  
September 17, 2008

/KEITH D. HENDRICKS/  
Supervisory Patent Examiner, Art Unit 1794